

161

2822

PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

Application Number	09/693707
Filing Date	20 October 2000
First Named Inventor	Kia Silverbrook
Art Unit	2822
Examiner Name	Roy Karl Potter
Attorney Docket Number	BGA04US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Statutory Declaration
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

Email: kia.silverbrook@silverbrookresearch.com
Telephone: 61-2-9818 6633
Facsimile : 61-2-9555 7762

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	Kia Silverbrook		
Date	November 10, 2005	Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



SILVERBROOK RESEARCH Pty Ltd

393 Darling Street Balmain NSW 2041 Australia

PO Box 207 Balmain NSW 2041 Australia

Phone: +61 2 9818 6633 Fax: +61 2 9555 7762

Email: info@silverbrookresearch.com

ACN 066 573 671

November 10, 2005

Commissioner of Patents
United States Patent and Trademarks Office
P.O. Box 1450
ALEXANDRIA VA 22313-1450
UNITED STATES OF AMERICA

Attention: Office of Petitions

Dear Sirs,

USSN 09/693,277

"Integrated Circuit Carrier with Recesses"

Inventor: Kia Silverbrook

Docket No: BGA04US

In response to the Notice of Abandonment the Applicant hereby lodges a petition to
WITHDRAW HOLDING OF ABANDONMENT.

PAIR states that a reply to the Office Action mailed on March 13, 2002 was not received by the USPTO. The Notice of Abandonment mailed September 8, 2003 (date as per PAIR) has never been received by the applicant to this day and is not available on PAIR. We confirm that the reply was sent via Fedex and faxed in response to the Office Action mailed on March 13, 2002. We therefore petition the commissioner to **WITHDRAW HOLDING OF ABANDONMENT** on this application.

The enclosed Declaration of my Patent Administrator, Leonie Frances News, confirms that a response was sent via Fedex and faxed to the USPTO on September 25, 2002 and September 30, 2002, respectively.

We respectfully request favourable consideration of our petition.

Yours sincerely,

Kia Silverbrook
Silverbrook Research Pty Ltd

Encl.

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Commonwealth of Australia
Statutory Declarations Act 1959

STATUTORY DECLARATION

In the Matter of US Patent
Application No. 09/693,707
in the name of Kia Silverbrook

I LEONIE FRANCES NEWS of 393 Darling Street, Balmain, New South Wales, 2041, Australia do solemnly and sincerely declare as follows:

1. I am the Patent Administrator of Silverbrook Research Pty Ltd and have held this position since 1 September 1999.
2. I have responsibility for maintaining files, preparing responses and forwarding the responses to Office Actions for the United States patent applications of Kia Silverbrook and Silverbrook Research Pty Ltd, including US Patent Application No. 09/693,707 (*"The Patent Application"*).
3. I have searched PAIR on the USPTO website and noted that a Notice of Abandonment was mailed on September 8, 2003. This Notice of Abandonment has never been received by the Applicant to this day and is not accessible through the "Image File Wrapper" on PAIR. The status of this application on PAIR states that this application was abandoned through failure to respond to the Office Action.
4. I then checked my file for The Patent Application and now state that a reply dated September 25, 2002, (including only original forms and payment with two cheques), was first sent via Fedex to the USPTO on September 26, 2002. A copy of the Reply sent to the Office Action and all other accompanying documents are attached, together with the copy of the Fedex International Air Waybill and the Track Shipments Detailed Results and marked as Exhibit LFN-1.
5. Furthermore, a supplemental response including a facsimile reply was also sent on September 30, 2002, enclosing an official reply and a Terminal Disclaimer (entered on PAIR) to be added to the reply dated September 25, 2002. A copy of this faxed reply and all other accompanying documents are attached, together with the copy of the transmission report and marked as Exhibit LFN-2.

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And I make this solemn declaration aware of the penalties for false declarations under section 11 of the Statutory Declarations Act 1959 (Cwth of Australia).

Declared at Balmain)
Sydney)
This 11th day of November)
, 2005 by Leonie Frances)
News)



Leonie Frances News

Before me: P. STICKLER)
J.P. 1295/01)

Justice of the Peace
Of New South Wales

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Exhibit LFN-1

COPY

Please type a plus sign (+) inside this box → ☐

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<h2>TRANSMITTAL FORM</h2> <p>(to be used for all correspondence after initial filing)</p>	Application Number	09/693,707
	Filing Date	October 20, 2000
	First Named Inventor	Kia Silverbrook
	Group Art Unit	2822
	Examiner Name	Roy Karl Potter
Total Number of Pages in This Submission	Attorney Docket Number	BGA04US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below)
Remarks Email: kia.silverbrook@silverbrookresearch.com Telephone: 61-2-9818-6633 Facsimile: 61-2-9818-6711		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kia Silverbrook c/- Silverbrook Research Pty. Ltd. 393 Darling Street, Balmain NSW 2041, Australia
Signature	
Date	September 25, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name		<input type="text"/>	
Signature	<input type="text"/>	Date	<input type="text"/>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/17 (11-01)

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**515.00****Complete if Known**

Application Number	09/693,707
Filing Date	October 20, 2000
First Named Inventor	Kia Silverbrook
Examiner Name	Roy Karl Potter
Group Art Unit	2822
Attorney Docket No.	BGA04US

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	460.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer					55.00

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** (\$)**515.00****SUBMITTED BY**

Name (Print/Type)	Kia Silverbrook	Registration No. (Attorney/Agent)	Telephone	+61 2 9818 6633
Signature		Date	September 25, 2002	

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

BGA04US

In re Application of: Kia Silverbrook

Application No.: 09/693,707

Filed: October 20, 2000

For: Integrated Circuit Carrier with Recesses
Silverbrook Research

The owner*, Pty Ltd, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second application Application Number 09/693,277, filed on October 20, 2000, the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.



Signature

Sept 25, 2002

Date

Kia Silverbrook

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Kia SilverbrookApplication No./Patent No.: 09/693,707 Filed/Issue Date: October 20, 2000Entitled: Integrated Circuit Carrier with RecessesSilverbrook Research Pty Ltda Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 011250, Frame 0328, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
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3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

September 25, 2002

Date



Signature

Kia Silverbrook

Typed or printed name

Managing Director

Title

COPY

PTO/SB/22 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)

BGA04

In re Application of Kia Silverbrook

Application Number 09/693,707

Filed October 10,
2000

For INTEGRATED CIRCUIT CARRIER WITH RECESSES

Group Art Unit 2822

Examiner

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ _____
- ☐ Two months (37 CFR 1.17(a)(2)) \$ _____
- ☒ Three months (37 CFR 1.17(a)(3)) \$ 920.00
- ☐ Four months (37 CFR 1.17(a)(4)) \$ _____
- ☐ Five months (37 CFR 1.17(a)(5)) \$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$460.00 (Form 37 CFR 1.27 already on file)

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____

I have enclosed a duplicate copy of this sheet.

I am the ☒ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☐ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 25, 2002

Date

Signature

Kia Silverbrook

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Westpac Banking Corporation

ABN 33 007 457 141

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Date 19 Sep 2002 /

DRAFT No. 85 855 780

Currency USD

Amount 55.00

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For and on behalf of
Westpac Banking Corporation

THIS DRAFT CONTAINS A
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USCN 04/693-707
Title: Infrared Circuit Carrier with
Recesses
Inventor: Lea Silverbrook
Our ref: 60404US
Terminals Disclaimed

Westpac Banking Corporation

ABN 33 007 457 141

1-21
210

Initiating Branch 275 George Street

Date 25 Sep/2002 /

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1 Chase Manhattan Plaza,
New York, N.Y. 10081

For and on behalf of
Westpac Banking Corporation

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Shelley

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USSN 09/693,707
Title: Integrated Circuit Carrier with
Recesses
Inventor: Kja Silverbrook
Our ref: BQA0405
Patition for Ext of time - 3 mths

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Delivery Date/Time 09/30/2002 09:52
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Package statusALEXANDRIA VA	09/28/2002 12:07	Package in FedEx location
Arrived at FedEx Destination LocationALEXANDRIA VA	09/28/2002 08:20	
Package statusALEXANDRIA VA	09/28/2002 08:20	Package not due for delivery
Left FedEx RampDULLES VA	09/28/2002 07:49	
Arrived at FedEx RampDULLES VA	09/28/2002 07:20	
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Date **September 30, 2002**

To: **Receptionist Group Art Unit 2822**

Fax No.: **1 703 308 7382**

Subject: **United States Patent Application Serial No. 09/693,707**
Inventor/Assignor: Kia Silverbrook
Assignee: SILVERBROOK RESEARCH PTY LTD

Our Ref: **BGA04US**

Total Number of Pages (including this) **8**

Attached is an amendment in response to an Office Action from Examiner, Roy Karl Potter dated March 13, 2002

Regards

Leonie News
Silverbrook Research Pty Ltd



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Serial Number: 09/693,707
Application. Filed: October 20, 2000
Applicant: Kia Silverbrook
Application. Title: Integrated Circuit Carrier with Recesses
Examiner/GAU: Roy Carl Potter/2822

Dated September 30, 2002
At: Balmain NSW Australia
Docket No. BGAO4US

AMENDMENT A

Assistant Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

In response to the Office Action mailed March 13, 2002, we attach a terminal disclaimer in respect of the double patenting cited by the Examiner on page 2 of the official action. Please note that the original forms and the necessary fees were sent by FedEx courier on September 26, 2002.

Very respectfully,

Applicant:



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